

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/458/2018
BRAITHWAITE BURN & JESSOP CONSTRUCTION CO. LTD.
VS
INDO WAGON ENGINEERING LTD.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 16th October, 2023.

Appearance:
Mr. Subhankar Nag, Adv.
Mr. Ankit Dey, Adv.
...for the award-holder.

The Court: The execution application has been filed as far back as in 2018.

Repeated orders have been passed for service on the award-debtor. By an order dated 3 August, 2023, the matter had appeared in the Warning List and the award-holder was directed to effect service on the award-debtor. The matter was adjourned on 17 August, 2023 at the instance of the award-holder. It is submitted on behalf of the award-holder that there has been a change of Advocates and the erstwhile Advocates has been negligent and has not given the No Objection.

I find from the orders passed in this proceeding that the award-holder has not been diligent in proceeding with this matter and has taken no steps in terms of the repeated orders of Court. Indisputably, the award-holder has been casual and indolent in proceeding with this execution application.

In such circumstances, EC/458/2018 stands dismissed for non-prosecution.

Liberty is granted to the award-holder to file a fresh execution application in accordance with law if the circumstances so warrant.

(RAVI KRISHAN KAPUR, J.)